

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved, March 7, 1867.

CHAPTER XXIII.

March 7, 1867

An Act to amend an act entitled "An Act to Incorporate the Town of Saint Cloud and to Repeal a former Charter of said Town," approved March 8th, 1862.

SECTION 1.—Amends former charter of St. Cloud.

2.—Amended further by adding additional section.

3.—Amends by providing for annual election of officers.

4.—Defines who shall be elected officers.

5.—How vacancies filled.

6.—Qualifications for officers and voters.

7.—Election districts—judges of election—how elections to be conducted.

8.—Provides for special election.

9.—When offices deemed vacant.

10.—Term of office of elective officers.

11.—Licensing powers of council.

12.—Fines and penalties—how enforced.

13.—How action to be brought, etc.

14.—Amends miscellaneous provisions of former act.

15.—When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section two of chapter one of an act entitled an act to incorporate the town of Saint Cloud and to repeal a former charter of said town, approved March 8th, 1862, be amended so as to read as follows:

Sec. 2. The territory included within the following

Boundaries

boundaries and limits shall constitute the town of Saint Cloud, to wit: The south-east quarter of the south-west quarter, and the south-east quarter of the north-west quarter, and the north-east quarter of the south-west quarter, and the west half of the south-east quarter, and the south-east quarter of the south-east quarter, and lots two and three in section eleven, and lot one in section twelve, and the west half of the north-west quarter, and the west half of the south-west quarter, and lots one, two, three and four in section thirteen, and the east half of the north-east quarter, and the east half of the south-east quarter, and the north half of the north-west quarter of the north-east quarter, and the north half of the north-east quarter of the north-west quarter of section fourteen, all in township one hundred and twenty-four north, range twenty-eight west.

Divides into
wards

SEC. 2. Said chapter one of said act be further amended by adding thereto, the following section as section three of said chapter :

Sec. 3. The said town of Saint Cloud shall be divided into four wards, called First, Second, Third and Fourth wards. All the district of country and territory lying within said boundaries and limits of said town of Saint Cloud and south of the centre of Wilson street, extending from the Mississippi river to the western boundary or limit of said town shall be the First ward. All the district of country and territory lying within the boundary and limits of said town of Saint Cloud and north of the centre of said Wilson street, extended as aforesaid, and south of the centre of Lake street, extended from the Mississippi river to the western boundary or limit of said town shall be the Second ward. All the district of country and territory lying within the boundaries and limits of said town of Saint Cloud, and north of the centre of said Lake street, extended as aforesaid, and south of the centre of Augustine street, extended from the Mississippi river to the western boundary or limit of said town, shall be the Third ward. All the district of country and territory lying within the limits and boundaries of said town of Saint Cloud and north of the centre of St. Augustine street, extended as aforesaid, shall be the Fourth ward.

SEC. 3. That section one of chapter two of said act is amended so as to read as follows :

Section 1. There shall be an annual election of the officers hereafter provided, held on the first Monday in May in each year, at such place in each ward in said town, as the town council of said town shall designate, and ten days previous notice shall be given by the said town council of the time and place of holding such election, and of the officers to be elected by posting notices in three of the most public places in each of said wards and by publishing the same in at least one of the papers published in said town.

Annual election

SEC. 4. That section two of chapter two of said act is amended so as to read as follows :

Who shall be elective officers

Sec. 2. The elective officers of said town of Saint Cloud shall be a mayor and recorder, who shall be residents within and qualified voters of said town and shall hold their offices for one year and until their successors are elected and qualified. Each ward shall elect one alderman, who shall be a resident within and qualified voter of the ward for which he may be elected and shall hold his office for one year and until his successor is elected and qualified.

SEC. 5. That section three of chapter two of said act is amended so as to read as follows :

How vacancies filled

Sec. 3. Whenever a vacancy shall occur in the office of mayor or alderman, such vacancy shall be filled by a new election which shall be ordered by the said town council, and held within twelve days after such vacancy shall occur. Any vacancy occurring in any other office shall be filled by appointment by said council. Any person elected or appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term.

SEC. 6. Section five, of said chapter two of said act, is amended so as to read as follows :

Qualifications for voters

Sec. 5. All persons entitled to vote for county and state officers and who shall have resided in the ward where they offer to vote for ten days next preceding the day of the election, shall be entitled to vote for any elective officer under this act and to hold any office hereby created but no person shall be eligible to nor hold the office of mayor unless he be a freeholder in said town of Saint Cloud, nor be eligible to nor

hold the office of alderman unless he be a freeholder in the ward.

Election districts **SEC. 7.** That section six of said chapter two of said act be amended so as to read as follows :

Sec. 6. Each and every ward in said town of Saint Cloud is declared to be an election district. And the said town council of said town shall appoint three qualified electors of each election district of said town, who shall act as judges of election in their elective districts respectively, and who shall appoint two qualified electors, of their election districts, as clerks of election. Said elections shall be held and conducted under the same penalties, in the same manner and in all things conformably to the laws of the state regarding elections, except that the returns of all town elections shall be made to the recorder of said town, and except as herein otherwise provided.

Special elections **SEC. 8.** That section eight of chapter two of said act be amended so as to read as follows :

Sec. 8. Special town elections, to fill vacancies or for any other purpose, shall be conducted in the same manner as general town elections or annual elections, and at such times as may be fixed by the town council of said town.

When office vacated **SEC. 9.** That section nine of chapter two of said act be amended so as to read as follows :

Sec. 9. Any officer removing from the town or from the ward for which he was elected, or any officer who shall neglect or refuse, for ten days after notice of his election or appointment, to qualify and enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the town council shall proceed to fill the vacancy as herein provided.

Term of office **SEC. 10.** That section eleven of chapter two of said act be amended so as to read as follows :

Sec. 11. The term of every officer elected under this law, shall commence on the first Tuesday after the first Monday of May in the year in which he was elected, and shall, unless otherwise provided, continue for one year, and until his successor is elected and qualified. Should there be a failure by the people to elect any officer herein required to be elected, on the day designated, the town council may order a new election to be held, upon the same notice to be given in general elections.

SEC. 11. That subdivision "first," of section two of chapter four of said act to be amended so as to read as follows: Licenses

First—To license and regulate the exhibition of common showmen and shows of all kinds, and the exhibitions of caravans, circuses, concerts and theatrical performances, and also to license and regulate all auctioneers, billiard tables, pigeon-hole tables, nine or ten pin alleys, bowling saloons, butcher's shops and butcher's stalls and vendors of butcher's meat, pawnbrokers, insurance offices and insurance agencies, groceries, taverns, lager beer saloons, hotels, victualing houses and all persons vending, dealing in, or disposing of spirituous, vinous, malt or fermented liquors: *Provided*, That no license shall be granted to any auctioneer for a less sum than one hundred dollars, nor shall such license exceed the sum of one thousand dollars, and no license shall in any case be granted for a longer period than one year, and *provided* further, that no license shall be granted to any person or persons to sell, vend, or deal in any spirituous, vinous, malt or fermented liquors for a less sum than twenty-five dollars, nor shall such license exceed the sum of two hundred dollars.

SEC. 12. That section two of chapter four of said act be amended by adding thereto the following subdivision as subdivision twenty-eight of section two. Fines and penalties

Twenty-eighth.—Fines, penalties and punishments imposed by the town council, for the breach of any by-law, ordinance or regulation of said town, may extend to a fine not exceeding one hundred dollars and imprisonment in the county jail of said Stearns county, or in the town prison not exceeding thirty days, or both, and to be fed on bread and water at the discretion of the justice; and offenders against the by-laws, ordinances or regulations of said town may be required to give security for their good behavior, and to keep the peace for a period not exceeding six months and in a sum not exceeding five hundred dollars.

SEC. 13. That section one of the miscellaneous provisions of said act be amended so as to read as follows:

How actions brought

Section 1. All actions brought to recover any penalty or forfeiture under this act or the ordinances, by-

How actions
brought.

laws or regulations made in pursuance thereof, shall be brought in the corporate name of the town and may be brought before any justice of the peace, of the township in which said town is situated, who shall have full and complete jurisdiction to hear, try and determine the same, and in all prosecutions for any violation of this act, or of any by-law or ordinance of the said town of Saint Cloud, the first process shall be a warrant: *Provided*, That no warrant shall be necessary in case of the arrest of any person while in the act of violating any law of the state of Minnesota, or ordinance of said town, but the person or persons so arrested may be proceeded against, tried, convicted and punished or discharged, in the same manner as if the arrest had been by warrant. All warrants, process or writs for violations of the by-laws or ordinances of said town, shall issue in the name of the town of Saint Cloud, and shall be directed to the marshal of said town, and in all cases of the imposition of any fine or penalty, or the rendering of judgment by a justice of the peace of the township in which said town is situated, pursuant to any ordinance or by-law of said town of Saint Cloud or pursuant to any provision of the charter of said town, as a punishment for any offence or for the violation of any by-law or ordinance as aforesaid, the offender shall be forthwith committed to the common jail of said Stearns county, and be there imprisoned for a term not exceeding three months in the discretion of the justice, unless the fine or penalty be sooner paid or satisfied and in all cases when the punishment of such offenders shall be by imprisonment such imprisonment shall be in said common jail of said Stearns county, and from and after the time of arrest of any person or persons for any offence whatever, until the time of the trial or hearing the person or persons so arrested may be imprisoned in said common jail of Stearns county, and in all cases where such justices of the peace may be authorized to commit any person or persons for any other cause by virtue of the provisions of said charter of said town, he may commit such person or persons to said jail of said Stearns county, and the sheriff of said Stearns county and jailor and prison-keepers of said jail and their and each of their deputies are re-

quired to receive such person or persons in custody and confine them safely in said common jail of Stearns county, until they may be discharged by due course of law, and the said town of Saint Cloud shall be liable to pay for the support and keeping of said prisoners, the same charges and allowances as are allowed for the support and keeping of other prisoners committed under the authority of the state.

SEC. 14. The miscellaneous provisions of said act are amended by adding the following section as section fifteen of said miscellaneous provisions.

Amends miscellaneous provisions

SEC. 15. On and after the passage of this act the present town council of said town of Saint Cloud shall act under the provisions herein contained, and shall have the same powers, rights and privileges, and shall have the same duties enjoined upon them as are imposed upon the town council to be elected under this act.

SEC. 15. This act shall take effect and be in force from and after its passage.

Approved March 7, 1867.